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OFFICE OF PETITIONS

In re Application of :
Kim et al. : DECISION GRANTING
Application No. 10/092,513 : PETITION
Filed: 8 March, 2002 :
Attorney Docket No. 6192.0228.AA :

This is a decision in reference to the petition under 37 CFR 1.182 filed on 3 May, 2002, concerning the U.S. Patent and Trademark Office's handling of the above-identified application.

The petition is granted.

On 8 March, 2002, the above-identified application was filed.

On 10 April, 2002, Initial Patent Examination Division mailed a Notice of Omitted Items in a Nonprovisional Application, advising applicants that the application had been accorded a filing date of 8 March, 2002, but that Figures 3a, 3b, 8a, 8b, and 9 described in the specification appeared to have been omitted from the application.

In response, the present petition was filed on 3 May, 2002. Petitioners assert that Figures 3a, 3b, 8a, 8b, and 9, were not missing on 8 May, 2002. In support, petitioners have submitted an itemized postcard bearing an Office-date stamp of "03/08/02" and the above-identified application number and itemizing the filing of 11 sheets of drawings.

Upon review of the Official file, it has been discovered that the drawings filed on 8 March, 2002, with the original application papers were inadvertently placed in another application file. Additionally, the drawings belonging to another application were inadvertently placed in the above-identified application file. The 11 sheets of drawings containing Figures 1, 2, 3a, 3b, 4-7,

8a, 8b, and 9 filed with the original application papers on 8 March, 2002, have now been located. The drawings for the two applications have now been placed in the correct application files.

As it is obvious that Figures 3a, 3b, 8a, 8b, and 9 were not missing on 8 March, 2002, the Notice mailed on 10 April, 2002, is **vacated**.

As this petition was necessitated by an error on the part of the USPTO, the petition fee will be credited to counsel's deposit account, No. 23-1951.

The application will be processed and examined using the 11 sheets of drawings filed on 8 March, 2002. The copies of application papers supplied on 3 May, 2002, will not be used for processing or examination, but will be retained in the application file.

The application is being returned to the Office of Initial Patent Examination for reprocessing using the 11 sheets of drawings filed on 8 March, 2002, and for an indication on the bibliographic data sheet that 11 sheets of drawings were present on filing.

Telephone inquiries specific to this matter should be directed to the undersigned at 703 308-6918.



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